

REMARKS

Reconsideration of the present application is respectfully requested.

Summary of Office Action

Claims 1, 2, 4, 5, 9, 10, 12, 13, 17-20, 22-27 and 30-33 stand rejected under 35 U.S.C. § 102(e) based on U.S. Patent no. 6,571,257 of Duggan et al. ("Duggan"). Claims 3, 6, 7, 11, 21 and 28 stand rejected under 35 U.S.C. § 103(a) based on Duggan in view of U.S. Patent Application Publication no. 2005/0050269 of Horn ("Horn "). Claims 8 and 16 stand rejected under 35 U.S.C. § 103(a) based on Duggan in view of "Kao" in view of Marshall.

Interview Summary

A telephonic interview was conducted between the Examiner and Applicant's representative (the undersigned) on 6/24/2008. Applicants presented reasons why applicant believes the amendments are not necessary in the of the current rejections, as reiterated below. Nonetheless, Applicants indicated their willingness to amend the claims in an effort to move prosecution forward. A proposed amendment, which is reflected in the claims presented above, was discussed in connection with Applicants' independent claims. Agreement was reached that the amendment would overcome the current rejections.

Request for Telephone Interview

Applicants respectfully request that the Examiner contact the undersigned at (408) 720-8300 to schedule a telephone interview, in the event the Examiner does not find the present application to be allowable after considering this response.

Summary of Amendments

In this response, claims 1, 9, 17, 24 and 30 have been amended, and claims 40-45 are new. No new matter has been added. No claims have been canceled in this response.

New Claims 40-45

Claims 34-39, which were previously canceled in response to the restriction requirement mailed on 1/9/2008, are resubmitted herein as new claims 40-45, subject to amendments discussed during the Examiner interview. Upon review of the restriction requirement, Applicants believe and respectfully submit that the restriction requirement was in error and should not be reasserted in response to the addition of claims 40-45.

The restriction requirement appears to have been based entirely on the incorrect premise that claims 1-33 do not require that the "agent" is a separate device. The restriction requirement stated, "In the instant case, invention I has separate utility such as summarizing the information in creating a summary . . . without requiring the one or more storage servers are separate devices of invention II." Page 2 of Office Action mailed 1/9/2008 (emphasis added).

In fact, however, all of Applicants' independent claims included the limitation that the agent is a separate device at the time of the restriction requirement (and still include such limitation), including those claims identified as invention (group) I.

In addition, the restriction requirement incorrectly characterized claims 37-39 as method claims. In fact, however, they were system claims.

Further, Applicants respectfully submit that the same prior art search which the Examiner uses for the other claims is also clearly applicable to claims 34-39 (or new claims 40-45), so there is no additional burden on the Examiner to examine all of these claims together.

Therefore, Applicants respectfully request that the restriction requirement not be reasserted in response to the addition of claims 40-45.

Discussion of Rejections

Although the claims have been amended to advance prosecution, Applicants respectfully traverse the rejections.

The present invention, as reflected in an amended claim 1, involves using an agent to scan a storage server and to collect information regarding files stored by the storage server, wherein the agent is an independent processing system which is a separate device from the storage server and the MMA, and wherein the agent communicates with the storage server via a network. The agent is used to create a summary of the collected information, and the summary is stored on a database server. The summary is output to a user interface.

First, Duggan does not disclose or suggest summarizing the collected information, much less that the agent (e.g., agent 115) does this function. The Office cites agent 115 in Duggan as the agent in Applicants' claims. Dugan discloses that

storage information is aggregated across multiple manage hosts, however, it is the management application 140 that does the aggregation in Duggan, not the agent 115 (col. 4, lines 14-18). Furthermore, aggregating information is not the same as summarizing it. Aggregating simply means collecting, whereas summarizing inherently involves some sort of distillation of the collected information into a more concise form.

Second, Dugan also does not disclose or suggest that the agent is a separate device from both the storage server and the management application, much less that it is an independent processing system. To the contrary, Dugan discloses that the agent 115 is a component of the storage server ("managed host 105"). The Office cites agent 115 as being separate from the file system 120 however, a file system is not a storage server, it is merely a component of a storage server (e.g., managed host 105). Note that most if not all personal computers, PDAs and modern cell phones include at least a rudimentary file system; if a file system were equated with "storage server", then all of these devices would be considered to include a "storage server", which is contrary to the ordinary meaning of the term "storage server" and, therefore, is not a reasonable interpretation.

For at least the foregoing reasons, claim 1 and all claims that depend on it are thought to be patentable over the cited art.

Each of the other pending independent claims includes limitations similar to those emphasized above and is, therefore, thought to be patentable over the cited art along with its dependent claims, for similar reasons as discussed above.

Applicants have not necessarily discussed here every reason why every pending independent claim is patentable over the cited art; nonetheless, Applicants are not waiving any argument regarding any such reason or reasons. Applicants reserve the right to raise any such additional argument(s) during the future prosecution of this application, if Applicants deem it necessary or appropriate to do so.

Dependent Claims

In view of the above remarks, a specific discussion of the dependent claims is considered to be unnecessary. Therefore, Applicants' silence regarding any dependent claim is not to be interpreted as agreement with, or acquiescence to, the rejection of such claim or as waiving any argument regarding that claim.

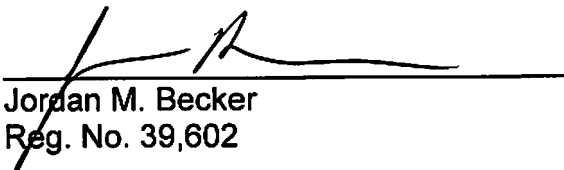
Conclusion

For the foregoing reasons, the present application is believed to be in condition for allowance, and such action is earnestly requested.

If there are any additional charges, please charge Deposit Account No. 50-2207.

Respectfully submitted,
PERKINS COIE LLP

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